

2005 DRAFTING REQUEST

Bill

Received: **01/11/2006**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Joseph Parisi (608) 266-5342**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters: **rryan**

Subject: **Correctional System - misc
Criminal Law - miscellaneous**

Extra Copies: **gmm**

Submit via email: **YES**

Requester's email: **Rep.Parisi@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us
cathlene.hanaman@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Video voyeurism: sex offender registration; expungement of conviction

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|---|------------------------|------------------------|---|------------------------|------------------------|-----------------|
| /? | mdsida 01/26/2006 rryan 02/07/2006 mdsida 03/03/2006 | jdyer 03/28/2006 | | _____ _____ _____ _____ _____ | | | S&L |
| /1 | rryan 03/29/2006 | kfollett 03/31/2006 | rschluet 03/31/2006 | _____ _____ | sbasford 03/31/2006 | sbasford 03/31/2006 | |

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FE Sent For:

<END>

→ At
Intro.

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /? | mdsida | jdver | | | | | S&L |
| | 01/26/2006 | 03/28/2006 | | | | | |
| | rryan | | | | | | |
| | 02/07/2006 | | | | | | |
| | mdsida | | | | | | |
| | 03/03/2006 | | | | | | |
| | rryan | | | | | | |

P/c for Rep. Parisi

Video voyeurism - treat same way as peepers

Registration - discretionary

Allow for expungement < 21 (discretionary)

except for automatic
expungement

1st email recalled

2d one - 2/16

2003 SB 14
942.08(2)(b)-(d)

03 Act 50



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4383/?

MGD:.....

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: ???

Analysis by the Legislative Reference Bureau

Under current law, no person may knowingly install a surveillance device in any private place or use a surveillance device that has been installed in a private place with the intent to observe any nude or partially nude person without the consent of the person observed. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both.

This bill prohibits a person from doing any of the following: 1) looking into a private place that is, or is part of, a facility that is open to the public and in which a person may reasonably be expected to be nude or partially nude, if the person looking does so for the purpose of sexual arousal or gratification and without the consent of each person who is present in the private place; or 2) looking into the dwelling of another from private property for the purpose of sexual arousal or gratification, with the intent to intrude upon or interfere with the privacy of another, and without the consent of each person who is present in the dwelling. Comparable prohibitions (minus the consent provisions) apply to cases in which no one is present in the private place or dwelling. A person who violates one of these "peeping tom" prohibitions may be fined not more than \$10,000 or imprisoned for not more than nine months or both. In addition, under the bill, if a court finds that a person has

violated one of the peeping tom prohibitions or the existing prohibition regarding installing or using a surveillance device, the court may order the person to register with the Department of Corrections (DOC) as a sex offender if the court determines that the person's conduct was sexually motivated and that requiring the person to register would be in the public interest.

This bill also contains provisions relating to expunging a delinquency adjudication or a conviction based on a violation of one of the peeping tom prohibitions. Under current law, a juvenile who has been adjudged delinquent for any offense may, after attaining 17 years of age, petition the court to expunge the record of the adjudication. The court may expunge the record if it determines that the juvenile has satisfactorily complied with the conditions of the dispositional order and that the juvenile will benefit and society will not be harmed by the expungement. Current law also provides that, if a person was under the age of 21 at the time of committing an offense for which he or she has been found guilty and the maximum penalty for the offense is imprisonment for one year or less in the county jail, the court may, if it determines that the person will benefit and society will not be harmed by this disposition, order at the time of sentencing that the record be expunged upon successful completion of the sentence. This bill requires the court to expunge a juvenile's delinquency adjudication if the peeping tom violation was the juvenile's first offense and if he or she complied with the dispositional order. Similarly, the bill requires the court to order that the record of a person's peeping tom conviction be expunged upon successful completion of the sentence if the person was under 18 years old at the time of the offense and he or she had no prior peeping tom convictions. Finally, if a court required the person to register as a sex offender for violating one of the peeping tom prohibitions, the court's expungement order ends that requirement and DOC must expunge the record of the person's delinquency adjudication or conviction from the sex offender registry.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 51.20 (13) (ct) 1m. of the statutes is amended to read:

2 51.20 (13) (ct) 1m. Except as provided in subd. 2m., if the subject individual is
3 before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and
4 is found to have committed any violation, or to have solicited, conspired, or attempted

to commit any violation, of ch. 940, 944, or 948 or ss. 942.08, 942.09, or 943.01 to 943.15, the court may require the subject individual to comply with the reporting requirements under s. 301.45 if the court determines that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest of public protection to have the subject individual report under s. 301.45.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22.

SECTION 2. 301.45 (1p) of the statutes is amended to read:

301.45 (1p) EXCEPTION TO REGISTRATION REQUIREMENT; EXPUNGEMENT OF INVASION OF PRIVACY ADJUDICATION OR CONVICTION FOR PRIVACY-RELATED OFFENSE. If a person is covered under sub. (1g) based solely on an order that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in connection with a delinquency adjudication or a conviction for a violation of s. 942.08 (2) (b), (c), or (d) or 942.09, the person is not required to comply with the reporting requirements under this section if the delinquency adjudication is expunged under s. 938.355 (4m)

(b)

strike that??

or if the conviction is expunged under s. 973.015 (2).

History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25.

SECTION 3. 301.45 (7) (e) 1. of the statutes is amended to read:

301.45 (7) (e) 1. The department receives notice under s. 938.355 (4m) ~~(b)~~ (c) that a court has expunged the record of the person's delinquency adjudication for the violation described in sub. (1p).

History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25.

SECTION 4. 938.34 (15m) (am) of the statutes is amended to read:

1 938.34 (15m) (am) Except as provided in par. (bm), if the juvenile is adjudicated
2 delinquent on the basis of any violation, or the solicitation, conspiracy, or attempt to
3 commit any violation, under ch. 940, 944, or 948 or ss. 942.08, 942.09, or 943.01 to
4 943.15, the court may require the juvenile to comply with the reporting requirements
5 under s. 301.45 if the court determines that the underlying conduct was sexually
6 motivated, as defined in s. 980.01 (5), and that it would be in the interest of public
7 protection to have the juvenile report under s. 301.45.

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14.

8 **SECTION 5.** 938.345 (3) (a) (intro.) of the statutes is amended to read:

9 938.345 (3) (a) (intro.) If the court finds that a juvenile is in need of protection
10 or services on the basis of a violation, or the solicitation, conspiracy, or attempt to
11 commit a violation, under ch. 940, 944, or 948 or ss. 942.08, 942.09, or 943.01 to
12 943.15, the court may require the juvenile to comply with the reporting requirements
13 under s. 301.45 if the court determines that the underlying conduct was sexually
14 motivated, as defined in s. 980.01 (5), and that it would be in the interest of public
15 protection to have the juvenile report under s. 301.45. In determining whether it
16 would be in the interest of public protection to have the juvenile report under s.
17 301.45, the court may consider any of the following:

History: 1995 a. 77; 1997 a. 27, 164; 1999 a. 9, 89; 2003 a. 50; 2005 a. 25.

18 **SECTION 6.** 938.355 (4m) (b) of the statutes is amended to read:

19 938.355 (4m) (b) The court shall expunge the court's record of a juvenile's
20 adjudication if it was the juvenile's first adjudication based on a violation of s. 942.08
21 (2) (b), (c), or (d), and if the court determines that the juvenile has satisfactorily
22 complied with the conditions of his or her dispositional order.

23 (c) Notwithstanding s. 938.396 (2) (a), the court shall notify the department
24 promptly of any expungement under ~~this~~

1 paragraph

3 par. (a) of an adjudication based on a violation of s. 942.09 or under par. (b).

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50.

4 **SECTION 7. 971.17 (1m) (b) 1m. of the statutes is amended to read:**

5 971.17 (1m) (b) 1m. Except as provided in subd. 2m., if the defendant under
6 sub. (1) is found not guilty by reason of mental disease or defect for any violation, or
7 for the solicitation, conspiracy, or attempt to commit any violation, of ch. 940, 944,
8 or 948 or ss. 942.08, 942.09, or 943.01 to 943.15, the court may require the defendant
9 to comply with the reporting requirements under s. 301.45 if the court determines
10 that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and
11 that it would be in the interest of public protection to have the defendant report under
12 s. 301.45.

History: 1975 c. 430; 1977 c. 353; 1977 c. 428 s. 115; 1983 a. 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 394; 1989 a. 31, 142, 334, 359; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 39, 189, 269; 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 417, 425, 440, 448; 1997 a. 35, 130, 181, 252, 275; 1999 a. 89; 2001 a. 95, 109; 2003 a. 50.

13 **SECTION 8. 973.015 (title) of the statutes is amended to read:**

14 **973.015 (title) ~~Misdemeanors, special~~ Special disposition for certain**
15 **younger offenders.**

History: 1975 c. 39; 1975 c. 189 s. 105; 1975 c. 199; 1983 a. 519; 1991 a. 189; 2003 a. 33, 50, 320.

16 **SECTION 9. 973.015 (1) (a) of the statutes is amended to read:**

17 973.015 (1) (a) Subject to par. (b), when a person is under the age of 21 at the
18 time of the commission of an offense under s. 942.09 or ~~an offense for which the~~
19 ~~person has been found guilty in a court for violation of a law for which the maximum~~
20 ~~penalty is imprisonment for one year or less in the county jail, the court may order~~
21 ~~at the time of sentencing that the record be expunged upon successful completion of~~
22 ~~the sentence if the court determines the person will benefit and society will not be~~
23 ~~harmed by this disposition. This subsection does not apply to information~~

1 maintained by the department of transportation regarding a conviction that is
2 required to be included in a record kept under s. 343.23 (2) (a).

3 **History:** 1975 c. 39; 1975 c. 189 s. 105; 1975 c. 199; 1983 a. 519; 1991 a. 189; 2003 a. 33, 50, 320.

(END)

Dsida, Michael

From: Dsida, Michael
Sent: Thursday, February 16, 2006 10:52 AM
To: Rep.Parisi
Subject: Video voyeurism bill

Robin Ryan has been on vacation over the past week, so I ended up picking this bill up again.

As you know, current law provides for automatic expungement if a younger offender commits a peeping tom offense and successfully completes the sentence. If the offense is expunged, any requirement that the person register as a sex offender is also lifted, and the person's name is removed from the registry. If a court, in exercising its discretion under your bill, authorizes expungement of a delinquency adjudication or a conviction base on conduct prohibited under s. 942.09, what affect, if any, does that have on the person's sex offender registration if it was required in that case? (A court may be unlikely to authorize expungement but still require sex offender registration in the same case, but it is certainly possible under the statutes.)

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4383/1

RLR: [signature]

In 3/29/06
Wanted Soon

2005 BILL

D-note

Gen. Cat.

1 AN ACT ...; relating to: the prohibition against making, reproducing, or
2 possessing visual representations of a person nude without the person's
3 consent.

Analysis by the Legislative Reference Bureau

Current law prohibits making a visual representation that depicts a person nude, without the consent of the person, and while the person is nude in a circumstance in which he or she has a reasonable expectation of privacy, and also prohibits reproducing or possessing such visual representations. So-called "video voyeurism" is a Class I felony, for which a person may be confined in prison, fined, or both imprisoned and fined.

Also under current law, a court may require a person who is convicted, adjudicated delinquent, found in need of protection or services, or found not guilty by reason of mental disease or defect for certain offenses to register with the Department of Corrections as a sex offender.

Finally, current law authorizes expungement of records of juvenile delinquency adjudications and criminal convictions under certain circumstances. A juvenile who has been adjudicated delinquent for any offense may, after attaining 17 years of age, petition the court to expunge the record of the adjudication. The court may expunge the record if it determines that the juvenile has satisfactorily complied with the conditions of the dispositional order and that the juvenile will benefit and society will not be harmed by the expungement. Current law also provides that, if a person was under the age of 21 at the time of committing an offense for which he or she has been

(DOC)

BILL

convicted and the maximum penalty for the offense is imprisonment for one year or less in the county jail (a misdemeanor), the court may, if it determines that the person will benefit and society will not be harmed by this disposition, order at the time of sentencing that the record be expunged upon successful completion of the sentence.

DOC This bill provides that a court may order a person to register with ~~the Department of Corrections~~ as a sex offender if the person is convicted, adjudicated delinquent, found in need of protection or services, or found not guilty by reason of mental disease or defect for committing video voyeurism. The bill provides that if a person commits video voyeurism before the age of 21 and is convicted for the offense, the court may, if it determines that the person will benefit and society will not be harmed by this disposition, order at the time of sentencing that the record of conviction be expunged upon successful completion of the sentence. Finally, the bill provides that if a court orders a record of conviction or a delinquency adjudication for video voyeurism expunged and if the offender had been required to register as a sex offender in connection with the conviction or adjudication, the requirement to register terminates with the expungement.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 51.20 (13) (ct) 1m. of the statutes is amended to read:

2 51.20 (13) (ct) 1m. Except as provided in subd. 2m., if the subject individual is
3 before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and
4 is found to have committed any violation, or to have solicited, conspired, or attempted
5 to commit any violation, of ch. 940, 944, or 948 or ss. 942.08, 942.09, or 943.01 to
6 943.15, the court may require the subject individual to comply with the reporting
7 requirements under s. 301.45 if the court determines that the underlying conduct
8 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest
9 of public protection to have the subject individual report under s. 301.45.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22.

10 **SECTION 2.** 301.45 (1p) of the statutes is amended to read:

BILL

1 **301.45 (1p)** EXCEPTION TO REGISTRATION REQUIREMENT; EXPUNGEMENT OF INVASION
2 ~~OF PRIVACY~~ ADJUDICATION OR CONVICTION FOR PRIVACY-RELATED OFFENSE. If a person is
3 covered under sub. (1g) based solely on an order that was entered under s. 938.34
4 (15m) (am) or 973.048 (1m) in connection with a delinquency adjudication, or a
5 conviction, for a violation of s. 942.08 (2) (b), (c), or (d) or 942.09, the person is not
6 required to comply with the reporting requirements under this section if the
7 delinquency adjudication is expunged under s. 938.355 (4m) ~~(b)~~ or if the conviction
8 is expunged under s. 973.015 (2).

History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25.

9 **SECTION 3.** 301.45 (7) (e) 1. of the statutes is amended to read:

10 **301.45 (7) (e) 1.** The department receives notice under s. 938.355 (4m) ~~(b)~~ (c)
11 that a court has expunged the record of the person's delinquency adjudication for the
12 violation described in sub. (1p).

History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25.

13 **SECTION 4.** 938.34 (15m) (am) of the statutes is amended to read:

14 **938.34 (15m) (am)** Except as provided in par. (bm), if the juvenile is adjudicated
15 delinquent on the basis of any violation, or the solicitation, conspiracy, or attempt to
16 commit any violation, under ch. 940, 944, or 948 or ss. 942.08, 942.09, or 943.01 to
17 943.15, the court may require the juvenile to comply with the reporting requirements
18 under s. 301.45 if the court determines that the underlying conduct was sexually
19 motivated, as defined in s. 980.01 (5), and that it would be in the interest of public
20 protection to have the juvenile report under s. 301.45.

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14.

21 **SECTION 5.** 938.345 (3) (a) (intro.) as affected by 2005 Wisconsin Act...

22 (Assembly Bill 443), move of the statutes is amended to read:

23 **938.345 (3) (a) (intro.)** If the court finds that a juvenile is in need of protection
24 or services on the basis of a violation, or the solicitation, conspiracy, or attempt to

BILL**SECTION 5**

commit a violation, under ch. 940, 944, or 948 or ss. 942.08, 942.09, or 943.01 to 943.15, the court may require the juvenile to comply with the reporting requirements under s. 301.45 if the court determines that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that it is in the interest of public protection to have the juvenile report under s. 301.45. In determining whether it is in the interest of public protection to have the juvenile report under s. 301.45, the court may consider any of the following:

History: 1995 a. 77; 1997 a. 27, 164; 1999 a. 9, 89; 2003 a. 50; 2005 a. 25.

SECTION 6. 938.355 (4m) (b) of the statutes, as affected by 2005 Wisconsin Act

9 ... (Assembly Bill 443) is amended to read:

938.355 (4m) (b) The court shall expunge the court's record of a juvenile's adjudication if it was the juvenile's first adjudication based on a violation of s. 942.08 (2) (b), (c), or (d), and if the court determines that the juvenile has satisfactorily complied with the conditions of his or her dispositional order.

(c) Notwithstanding s. 938.396 (2), the court shall notify the department promptly of any expungement under ~~this paragraph~~ par. (b) and of any expungement under par. (a) of a court's record of a juvenile's adjudication for a violation of s. 942.09.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50.

SECTION 7. 971.17 (1m) (b) 1m. of the statutes is amended to read:

971.17 (1m) (b) 1m. Except as provided in subd. 2m., if the defendant under sub. (1) is found not guilty by reason of mental disease or defect for any violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch. 940, 944, or 948 or ss. 942.08, 942.09, or 943.01 to 943.15, the court may require the defendant to comply with the reporting requirements under s. 301.45 if the court determines that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and

BILL

1 that it would be in the interest of public protection to have the defendant report under
2 s. 301.45.

History: 1975 c. 430; 1977 c. 353; 1977 c. 428 s. 115; 1983 a. 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 394; 1989 a. 31, 142, 334, 359; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 39, 189, 269; 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 417, 425, 440, 448; 1997 a. 35, 130, 181, 252, 275; 1999 a. 89; 2001 a. 95, 109; 2003 a. 50.

3 **SECTION 8.** 973.015 (title) of the statutes is amended to read:

4 **973.015** (title) ~~Misdemeanors, special~~ **Special disposition for certain**
5 **younger offenders.**

History: 1975 c. 39; 1975 c. 189 s. 105; 1975 c. 199; 1983 a. 519; 1991 a. 189; 2003 a. 33, 50, 320.

6 **SECTION 9.** 973.015 (1) (a) of the statutes is amended to read:

7 973.015 (1) (a) Subject to par. (b), when a person is under the age of 21 at the
8 time of the commission of an offense under s. 942.09 or an offense ~~for which the~~
9 ~~person has been found guilty in a court for violation of a law~~ for which the maximum
10 penalty is imprisonment for one year or less in the county jail, the court may order
11 at the time of sentencing that the record be expunged upon successful completion of
12 the sentence if the court determines the person will benefit and society will not be
13 harmed by this disposition. This subsection does not apply to information
14 maintained by the department of transportation regarding a conviction that is
15 required to be included in a record kept under s. 343.23 (2) (a).

History: 1975 c. 39; 1975 c. 189 s. 105; 1975 c. 199; 1983 a. 519; 1991 a. 189; 2003 a. 33, 50, 320.

16 **SECTION 10.** 973.048 (1m) of the statutes is amended to read:

17 973.048 (1m) Except as provided in sub. (2m), if a court imposes a sentence or
18 places a person on probation for any violation, or for the solicitation, conspiracy, or
19 attempt to commit any violation, under ch. 940, 944, or 948 or ss. 942.08, 942.09, or
20 943.01 to 943.15, the court may require the person to comply with the reporting
21 requirements under s. 301.45 if the court determines that the underlying conduct

BILL**SECTION 10**

1 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest
2 of public protection to have the person report under s. 301.45.

History: 1995 a. 440; 1997 a. 130; 1999 a. 89; 2001 a. 109; 2003 a. 50.

3 **SECTION 11. Initial applicability.**

4 (1) This act first applies to offense committed on the effective date of this
5 subsection.

6 (END)

①- Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4383/1dn

RLR: *ef*

Date

Representative Parisi:

Mike Dsida's file for this bill contains an e-mail message to you asking what effect expungement of a record of conviction or delinquency adjudication for video voyeurism should have on a court order for the offender to register as a sex offender. I did not find a response in Mike's file. It is my understanding that you want to treat video voyeurism similarly to the peeping tom prohibition for purposes of expungement and sex offender registration, so I assumed that if a video voyeurism conviction or delinquency adjudication is expunged, any requirement to register as a sex offender should terminate with the expungement. Please let me know if this is not what you intend.

Sections 48.685 (2) (bb) and 50.065 (2) (bb), which concern caregiver background checks, provide that if a criminal background check indicates a conviction for a peeping tom violation, the organization conducting the background check must make reasonable efforts to obtain a copy of the judgment of conviction. (Employers of caregivers may deny employment based on conviction of a crime that is related to caregiver duties.) Do you want to require that such organizations also make reasonable efforts to obtain the judgment of conviction for a video voyeurism conviction?

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4383/1dn
RLR:kjf:rs

March 31, 2006

Representative Parisi:

Mike Dsida's file for this bill contains an e-mail message to you asking what effect expungement of a record of conviction or delinquency adjudication for video voyeurism should have on a court order for the offender to register as a sex offender. I did not find a response in Mike's file. It is my understanding that you want to treat video voyeurism similarly to the peeping tom prohibition for purposes of expungement and sex offender registration, so I assumed that if a video voyeurism conviction or delinquency adjudication is expunged, any requirement to register as a sex offender should terminate with the expungement. Please let me know if this is not what you intend.

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Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

Basford, Sarah

From: Whitmore, Lori
Sent: Friday, March 31, 2006 1:13 PM
To: LRB.Legal
Subject: Draft Review: LRB 05-4383/1 Topic: Video voyeurism: sex offender registration; expungement of conviction

Please Jacket LRB 05-4383/1 for the ASSEMBLY.

5-5-06
4:45 PM

REVISION REPORT

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Under Assembly Rule 17d,
Friday, May 05, 2006 at 12:54 PM

is considered the official date and time of introduction for the proposals listed in this document.

~~X~~ **ASSEMBLY BILL 1217 (LRB -4493)** /1 FE sent for X —
Relating to: requiring health insurance coverage of hearing aids and cochlear implants for infants.
By Representative Schneider; cosponsored by Senator Lassa.
Referred to Committee on INSURANCE.

~~X~~ **ASSEMBLY BILL 1218 (LRB -4689)** /1 FE sent for X —
Relating to: requiring health insurance policies to cover orphan drugs and granting rule-making authority.
By Representative Schneider.
Referred to Committee on INSURANCE.

~~X~~ **ASSEMBLY BILL 1219 (LRB -4361)** /2 FE sent for X —
Relating to: indigency determinations, provision of legal services by the State Public Defender, and requiring the exercise of rule-making authority.
By Representatives McCormick, Krawczyk, Musser, Staskunas, Van Roy and Turner.
Referred to Committee on JUDICIARY.

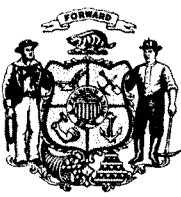
~~X~~ **ASSEMBLY BILL 1220 (LRB -4384)** /1 FE sent for X —
Relating to: a grant for a biomedical technology alliance in southeastern Wisconsin and making an appropriation.
By Representative Parisi.
Referred to Committee on RULES.

~~X~~ **ASSEMBLY BILL 1221 (LRB -3608)** /2 FE sent for X —
Relating to: requirements relating to air pollution and to water pollution from point sources.
By Representative Black by request of Attorney General Peg Lautenschlager.
Referred to Committee on RULES.

~~X~~ **ASSEMBLY BILL 1222 (LRB -4931)** /1 FE sent for X —
Relating to: sales of consumer goods and services during periods of abnormal economic disruption, requiring the exercise of rule-making authority, and providing a penalty.
By Representatives Musser, Gronemus, Towns, Lothian, Ott, Hines, Petrowski, Owens, Hahn, Kerkman, Gunderson, M. Williams, Bies, Nerison and Kreibich; cosponsored by Senators Kedzie, Schultz, Olsen and Brown.
Referred to Committee on RULES.

~~X~~ **ASSEMBLY BILL 1223 (LRB -4913)** /2 NO FE X —
Relating to: disposition of certain contributions or other moneys in campaign treasuries.
By Representative Kessler.
Referred to Committee on RULES.

~~X~~ **ASSEMBLY BILL 1224 (LRB -2937)** /1 NO FE —
Relating to: notification regarding foreign assets of public utility holding companies.
By Representative Pocan.
Referred to Committee on RULES.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4384/1
CTS:jld:jf

2005 SENATE BILL 1220

May 4, 2006 - Introduced by Senator PARISH. Referred to Committee on Rules.

- 1 **AN ACT relating to:** a grant for a biomedical technology alliance in southeastern
2 Wisconsin and making an appropriation.

Analysis by the Legislative Reference Bureau

Under the provisions of Senate Substitute Amendment 1 to 2005 Senate Bill 372, the Department of Commerce (department) is required to make a grant of \$2,000,000 to the Board of Regents of the University of Wisconsin (UW) System (board) to supplement a grant of \$500,000 to the board required under 2005 Wisconsin Act 25 (biennial budget act). The biennial budget act specifies that the grant is for UW-Milwaukee to establish a biomedical technology alliance in southeastern Wisconsin. This bill increases the appropriation to the department by \$2,000,000 in fiscal year 2006-07, to supplement the grant to the board under the biennial budget act.

This bill is void unless Senate Substitute Amendment 1 to 2005 Senate Bill 372 is enacted into law in the form in which it was introduced. Senate Substitute Amendment 1 to 2005 Senate Bill 372 similarly provides that the substitute amendment is void unless this bill is enacted into law in the form in which it is introduced.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

REVISION REPORT

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Under Assembly Rule 17d,

Monday, May 08, 2006 at 10:01 AM

is considered the official date and time of introduction for the proposals listed in this document.

ASSEMBLY BILL 1220 (LRB -4383)

Relating to: the prohibition against making, reproducing, or possessing visual representations of a person nude without the person's consent.

By Representative Parisi.

Referred to Committee on **RULES**.

FE ✓ (1)

05-08-06
Per Julie
(Acc office)Wrong LRB #
was 1st introduced
(05-4384/1)This is
the correct
#



State of Wisconsin
2005 – 2006 LEGISLATURE

CORRECTED COPY

LRB-4383/1

RLR:kjf:rs

2005 ASSEMBLY BILL 1220

05-08-06

May 4, 2006 – Introduced by Representative PARISI. Referred to Committee on Rules.

1 **AN ACT** *to amend* 51.20 (13) (ct) 1m., 301.45 (1p), 301.45 (7) (e) 1., 938.34 (15m)
2 (am), 938.345 (3) (a) (intro.), 938.355 (4m) (b), 971.17 (1m) (b) 1m., 973.015
3 (title), 973.015 (1) (a) and 973.048 (1m) of the statutes; **relating to:** the
4 prohibition against making, reproducing, or possessing visual representations
5 of a person nude without the person's consent.

Analysis by the Legislative Reference Bureau

Current law prohibits making a visual representation that depicts a person nude, without the consent of the person, and while the person is nude in a circumstance in which he or she has a reasonable expectation of privacy, and also prohibits reproducing or possessing such visual representations. So-called "video voyeurism" is a Class I felony, for which a person may be confined in prison, fined, or both imprisoned and fined.

Also under current law, a court may require a person who is convicted, adjudicated delinquent, found in need of protection or services, or found not guilty by reason of mental disease or defect for certain offenses to register with the Department of Corrections (DOC) as a sex offender.

Finally, current law authorizes expungement of records of juvenile delinquency adjudications and criminal convictions under certain circumstances. A juvenile who has been adjudicated delinquent for any offense may, after attaining 17 years of age, petition the court to expunge the record of the adjudication. The court may expunge the record if it determines that the juvenile has satisfactorily complied with the